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(Hampt., N.Y.) -
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★ ESTATE OF BISHOP H.C. POTTER.

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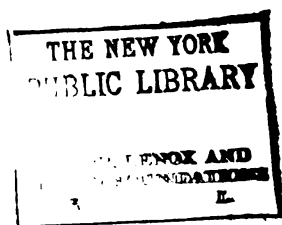
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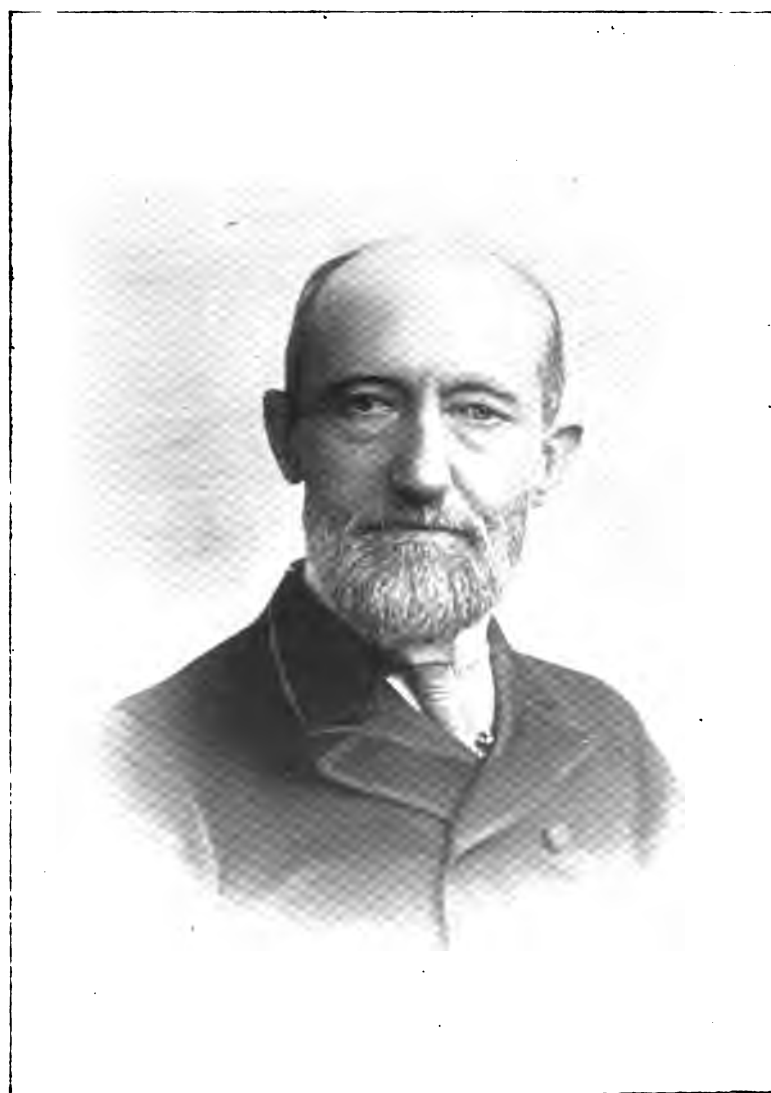
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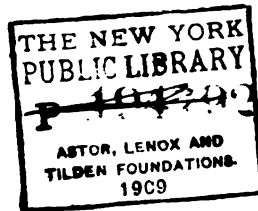
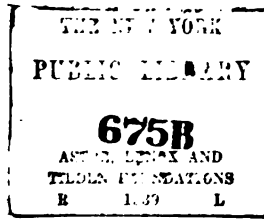




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IN MEMORIAM

JOHN HENRY HAMPTON.



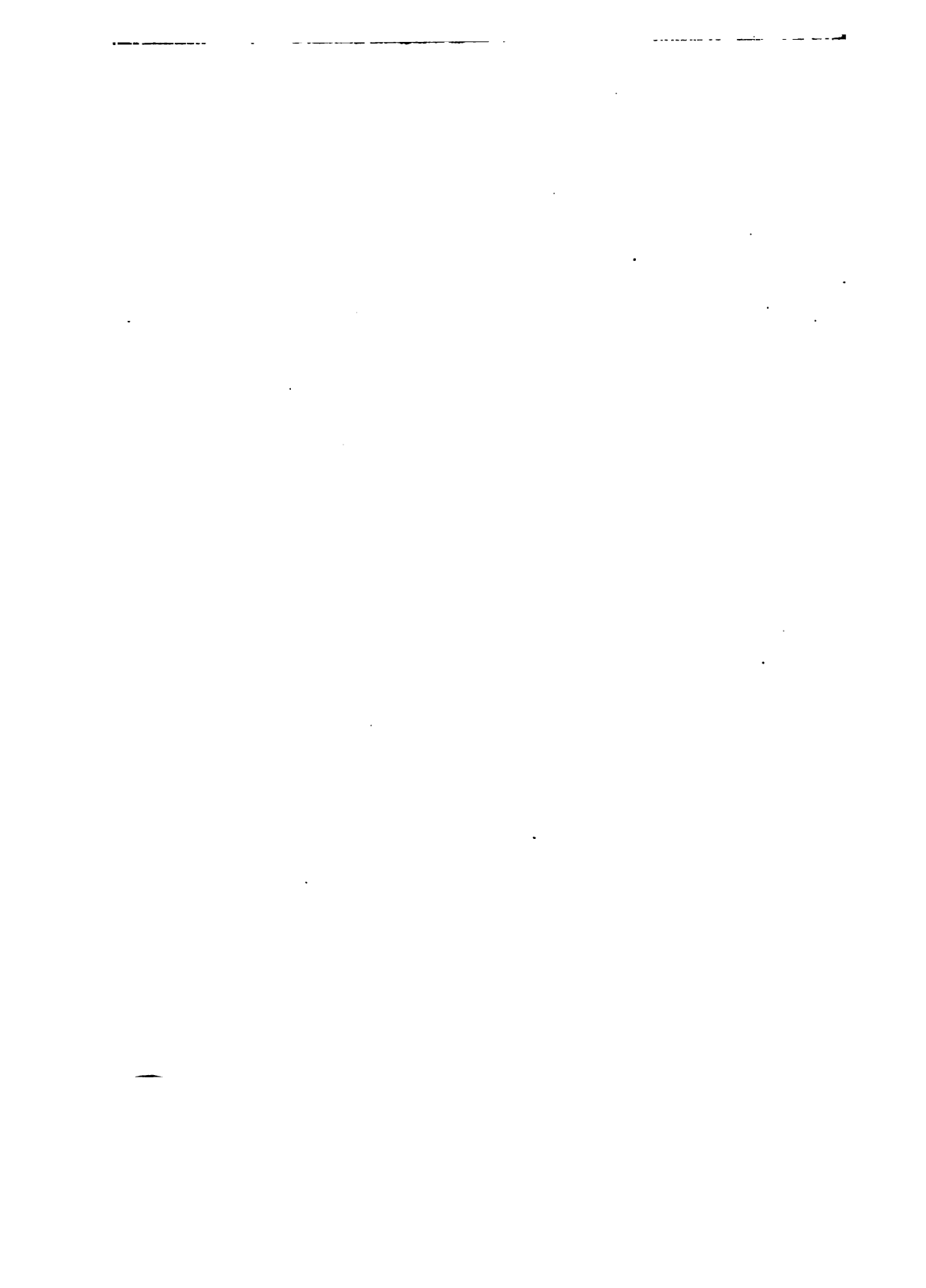
JOS. EICHBAUM & Co., PITTSBURGH.

1892.

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In the Report of the Board of Directors of the Pennsylvania Railroad Company to its Stockholders, for the year 1891, the Board said:

“Your Company have also to lament the loss of one of the oldest officers of your legal department, Mr. John H. Hampton, of Pittsburgh, whose death occurred on the 11th of April, 1891. Mr. Hampton was appointed Assistant Solicitor of the Western District, February 22d, 1854, and remained continuously in your service until his death, a period of over thirty-seven years. During all that time he was devoted to your interests, faithful and able in their advocacy, and commanded the confidence and esteem of all with whom his official relations brought him in contact.”



PREFACE.

WHEN the Bar meeting in honor of Mr. Hampton's memory was held, my emotions were such as to render speech by me impossible. I, therefore, bring my humble tribute now, by way of preface to this memorial volume.

I shall not attempt to do more than indicate, by way of outline, some of his characteristics. There is not room to say all that I would, and if there was, I fear that even those who knew of the intimacy of our relations might judge me guilty of extravagance.

John H. Hampton's place at the Allegheny County Bar is that of one of the most distinguished in a long line of distinguished names that adorn its history. Law was his vocation, and he delighted in its practice. His judgment was sound, his knowledge accurate, and of the arts of the advocate, he was a rare master. To the trial of causes he brought always a thorough preparation, a mastery of the facts, and a knowledge of the legal principles applicable thereto. A student of men rather than of books, his keen knowledge of human nature gave him great advantages at the counsel table, of which he never failed to avail himself. He had no superior—I never saw his equal—in the examination of witnesses. What remained in the breast of a witness relating to Mr. Hampton's side of a case, after he had conducted an examination or cross-examination of him, was of no value. Ingenious in method, fertile in resource, wise in expedients, and cool and col-

lected in the heat of contest, he was never taken unawares, and was always ready to see, and to profit by, an advantage. He was possessed of a fine sense of humor, and that faculty of illustration that appeals to the average man in a jury box. Eloquent of speech, he could be pleasant and plausible, or sarcastic, vehement and convincing. He was, when he wanted to be, a master of invective. In the trial of a case he was a thorough partisan. His faith in his client's cause was complete and unfaltering. He never anticipated defeat; never believed himself defeated till the final judgment was entered. He was the most suggestive man in counsel that I have ever met. He stimulated thought in others; pointed the way, where, before he pointed, no way appeared. He had a lofty conception of his profession; an instinctive contempt for those who would debase it. He despised a mean action and a mean man. As a lawyer he lived up to his conception.

He was the most companionable of men. He loved the society of his fellows. Amongst them, his rare memory, his ready wit, his wonderful fund of anecdotes, his keen sense of humor, his exuberant humanity, made him a master spirit. No one could entertain better than he, and he loved to do it. When in health, the world turned to him its bright side and displayed itself as full of possible enjoyments. He was a great fisherman, and loved the woods and fields and all the sights and sounds of nature. How often have I seen him, long in advance of the season, affectionately handle his rods, and prepare his reels and his tackle, while he talked of the mountain streams and the fishing, as though even then in the enjoyment of them, while around us were only law books and the paraphernalia of a law office. At such times he was as jubilant of life, and as free of care, as a boy, with the world's burdens yet to be learned and borne.

His was a kindly nature, both benevolent and beneficent. Many were his acts of generous aid unostentatiously done. Many a burden did he lift from the weak and weary without the knowledge of any other than himself and myself and the party relieved.

There were many others, I have no doubt, of which I knew nothing.

He was particularly fond of young men, and delighted to help and encourage them. Industry and talent attracted him. The young lawyer who dared to face him in contest, and who conducted a good fight, made instant entry to his admiration and his good graces. No devotion to his own cause blinded him to the merits of such an adversary. Thereafter it was an exceptional case if they did not become mutual admirers.

He was the very soul of honor. He believed that there is no legacy like to that of an untarnished name, and he lived accordingly. He was scrupulous and exact in his business methods. He aimed always to be just to others, and insisted that they should be just to him.

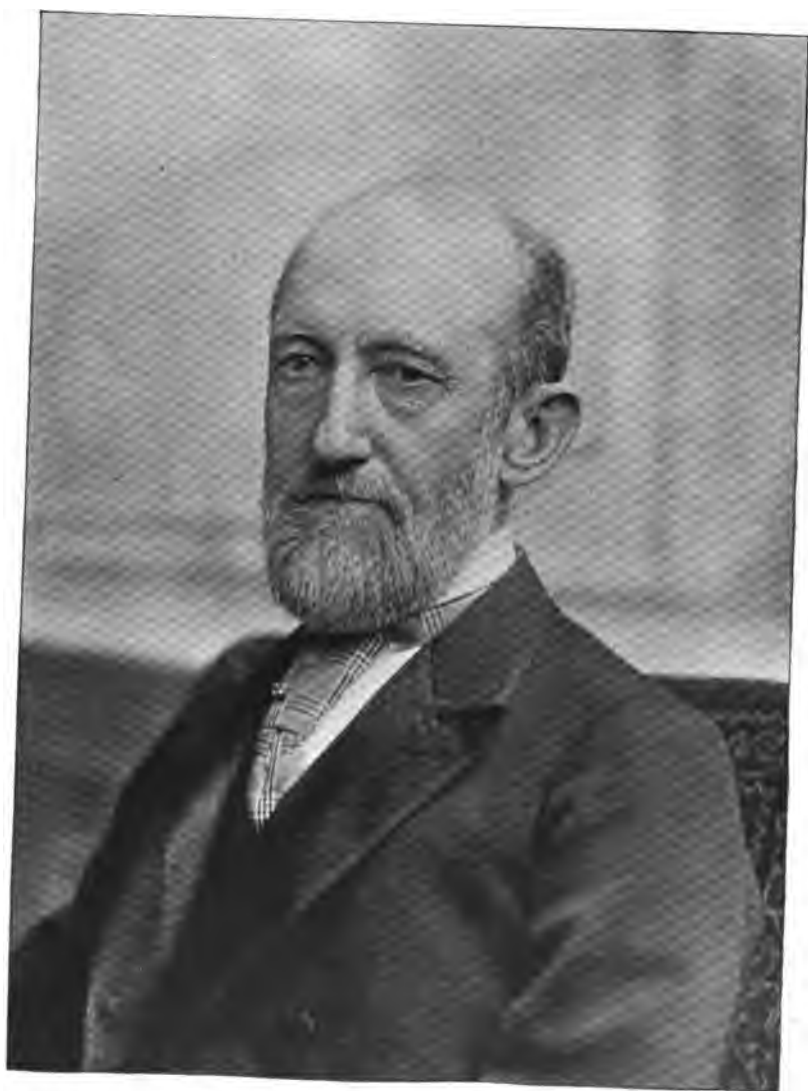
While never holding or aspiring to public office, he took always a lively interest in public affairs. In his earlier days his was a prominent figure in political campaigns, and as a speaker, no name was greeted with heartier welcome than his. In the list of our leading citizens conspicuous for enterprise and interest in the public weal, his name was among the most prominent.

I hesitate to speak upon paper of the familiar life that for twenty years and more we led together. It seems like airing sacred things. He was my preceptor first, then my business partner and most intimate friend. No two men not knit by the ties of blood were ever closer, more intimate, more confiding in each other than he and I. We were daily companions, bound by the same pursuits, thinking aloud in each other's presence, and enjoying each the other's most sacred confidence. No harsh or unpleasant word rises up now out of all our past to mar for me its memory. To me he was more than kind—affectionate. He encouraged my hopes, stimulated my ambition and strengthened every worthy purpose. He rejoiced in my successes, joyed with me, sorrowed with me, and filled the place of a loving elder brother. Envy he had none, while of sympathy he was full.

Even yet I fail to appreciate that I shall never again hear his voice, or look into his eye, bright with a cheery welcome, and feel the warm grasp of his friendly hand.

Mayhap we shall meet again—who knows?—walk hand in hand in the Elysian fields, and take up the broken links of a friendship to be thence perfected and unbroken.

JOHN DALZELL.



2000

In compliance with a call issued by the Executive Committee of the Allegheny County Bar Association, a meeting of the Bar was held at the rooms of the Association in the Court House, city of Pittsburgh, on April 14, 1891, to take action on the death of JOHN HENRY HAMPTON, Esq., a member of the Bar, and for two years President of the Bar Association.

The meeting was called to order at 2 o'clock, P. M., by S. A. McClung, Esq., President of the Association, whereupon William B. Rodgers, Esq., nominated the following named gentlemen to act as officers of the meeting, all of whom were elected by acclamation:

President: Hon. Edwin H. Stowe.

Vice Presidents: Marcus W. Acheson, Stephen H. Geyer, James H. Reed, Thomas Ewing, J. W. F. White, Jacob H. Miller, William G. Hawkins, Jr., Josiah Cohen, William C. Moreland, Frederick M. Magee.

Secretaries: John C. Newmyer, William N. Frew, Willis F. McCook, Arthur Kennedy, Jacob B. Sweitzer, Jr.

JUDGE STOWE, upon taking the Chair, said:—

Gentlemen:

The most painful duty of my life has devolved upon me to-day—the formal announcement to the members of the Bar here assembled of the death of JOHN HENRY HAMPTON.

To me, it is not only the skillful advocate, the eloquent speaker, the well read lawyer, who has fallen; it is the companion of my

youth, the associate of my young manhood, the cherished friend of nearly half a century. In 1844 we met as boys at Washington College, became room mates, and continued so till I graduated, leaving him at school. It was through his suggestion, and at his instance, I changed a plan I had formed of going South to read law and settle, and came to Pittsburgh and read with his father.

He graduated the year after I entered his father's office, and, having been admitted before him, and his father being absent in Washington, serving as a member of Congress, he commenced his preliminary studies for admission under my supervision, and was admitted December 23, 1850. He opened an office, and for a time struggled on by himself, and was soon appointed as Assistant Solicitor for the Pennsylvania Railroad Company. In 1855 he and I entered into partnership, and continued together till a short time before I went upon the Bench.

During all these years our intercourse and relations were of the most intimate and friendly character. Since then, of course, our companionship has not been so close, nor our intercourse so frequent, as the duties and requirements of business incident to our different positions, interfered to some extent with the companionship of previous years. But our personal attachment never changed. From first to last—from the day I first took him, a boy of sixteen, by the hand, till the time, but a little over a fortnight ago, I spent a few pleasant minutes with him, talking over old times and recalling pleasant memories of the past—the feeling of regard, which sprang into life so long ago, was as fresh and strong as ever. "*Amicus usque ad aras.*" During all these years we never had one unkind or angry word, nor a single unkind or angry thought toward each other.

Under these circumstances, I do not find it possible to-day to remember or speak of anything but my own great personal regard for my late friend. Of his great learning and ability I will not attempt to say a word. There are those here who will perform that duty much better than I could; but I do not believe that any

one here more fully appreciated his character in those respects than I did, and certainly no one feels more sincere sorrow at his death. I will only add, in the language of another under similar circumstances, "His departure has severed so many ties, interrupted so many delights, withheld so many confidences, and left such an aching void in the hearts of his friends, that while we bow to the decree of Providence, our griefs cannot but pour themselves out in sincere lamentation."

On motion, the Chair appointed a Committee on Resolutions, consisting of the following gentlemen: David W. Bell, John McCleave, D. T. Watson, D. D. Bruce, Jacob F. Slagle, George Shiras, Jr., C. W. Robb,

The Committee having retired, for the purpose of preparing a suitable Minute, the Chairman stated that it was in order for any one desiring to make remarks in reference to the present occasion to do so.

WILLIAM C. MORELAND, Esq., said:

Mr. Chairman, Gentlemen:

Joining with you in the last work of respect we can pay our deceased friend, in whose memory we have been summoned, I can add but little to the eloquent and pathetic sentiments announced by our Chairman, supplemented possibly by the resolutions. It was, however, my good fortune to be associated with Mr. Hampton in my early professional career, and I, therefore, had some means of knowing and appreciating his marked and exceptional ability.

He was not a man who fretted about and exhausted himself with the rasping and trying labors of the profession; indeed, I do not recall a man upon whom work seemed to have, physically and mentally, less effect. It came, I think, from the fact that the work he did was done with an ease and readiness singularly marked. I do not mean by this that he avoided labor; indeed, when the pres-

sure was on him, he displayed tireless energy, and adhered to the task he had set himself to do with persevering tenacity. This done he seemed to have the power to free himself wholly from further solicitude. Doubtless this arose from his peculiarly buoyant, hopeful and self-reliant disposition, as well as from a conscientious conviction that having done his best, he could leave it to time to justify and vindicate him.

In his legal opinions he was clear, terse and earnest. His knowledge of the chosen branch of his profession was as extensive and reliable as that of any lawyer in the State. Yet, while pre-eminent in this line, his natural choice was that of criminal law. I think the excitement of that peculiar and varied department of the profession supplied him with a mental rest, as well as a variety which gave play to his singular ability in the trial of causes, and that showing of forensic power so rarely demanded in civil causes.

It is known that in the earlier years of his profession he participated in the most important criminal trials of our county. I recall, among others, conspicuous for public interest, the Rutherford School of Reform indictment, Leopold Sahl, David Bennett; the famous indictment for conspiracy against Frowenfeld and others, growing out of alleged confederation to sell shoddy supplies to the soldiers in the army, and which, at the time, invoked powerful public feeling, and these and kindred causes added largely to our friend's great legal and forensic reputation. Perhaps his very best efforts, however, were made, and his marvelous power in presenting his case displayed, in what are known as the Small-Note cases, involving the joint indictment of a then prominent lawyer and a leading merchant. Here he showed a zeal, industry and knowledge that at once established his claim as a fearless advocate and an astute lawyer, and one of almost exhaustless resources.

It is not invidious to say that he stood in the front rank of cross-examiners. His skill in this respect was phenomenal. The ready wit, the tact, the winning manner, the crushing irony, com-

bined to make him great. Besides this, he stated his cause with remarkable clearness and conciseness. He had a self-possession and self-reliance which gave him perfect command of all his faculties. If surprised, he never showed it. He tried his cause as though he knew everything which could be developed.

He once told me that, if necessary in the trial of a cause, he would permit his adversary to offer him any personal indignity. But on the other hand, I saw him stand for the dignity and rights of the profession with a coolness, courage and persistence I have never seen equaled. He told me after that exciting scene in Court, that he would have gone to prison all the remainder of his life, rather than yield to what he believed an unjust and undeserved humiliation of the Bar.

The social companionship of our friend was proverbial. He was one of the best story-tellers at the Bar, but he never permitted himself to fall into the vulgar and obscene. Ready in wit as in affability, he was the center of the company, and irresistibly gathered around him the choicest spirits.

Such, briefly epitomized, were some of the traits of our companion. No man ever knew him to take an unjust and dishonorable advantage in the trial of his causes. He fought magnificently and manfully. He believed, with Wendell Phillips, that "God is God, and truth is truth," and therefore he kept before him a high standard of duty and right.

But now his work is done. Life's fitful fever is ended. Into his narrow home, let us believe and hope, will fall the brilliant light of a holy resurrection; that somewhere, somehow, and sometime, we shall meet for peaceful but ever expanding rest. Till then, "hail and farewell" to you, brother and friend. [Silently, tearfully, but hopefully, we bid you goodbye for the night, invoking for each and all Newman's pathetic invocation:

"Lead, kindly Light, amid the encircling gloom: Lead thou us on."

JACOB H. MILLER, Esq., said:

Mr. Chairman:

I feel it to be a duty on my part to make some remarks on this mournful occasion. My recollection of Mr. Hampton does not go as far back as Judge Stowe's, but it goes back sufficiently far for me to say, we have been life-long friends. I went into the office of Hon. Moses Hampton in 1851 as a law student. Mr. Hampton had just returned from Congress, at least only a short time before that, and his business was pretty well scattered, as is generally the case with lawyers who indulge in politics, and although he was rapidly regaining it, we had plenty of leisure. I there met John H. Hampton, a young lawyer admitted to the Bar about three years, and we were friends from the first.

Mr. Hampton's office was then in the Lowry Building on Fourth Avenue; and I have a warm feeling for that old law building, for in addition to Mr. Hampton, I there met for the first time other men in the profession whom I have always admired and loved. Across the passage way, was Frederick H. Collier, and we three were very companionable, and being under the same roof, many an afternoon was passed by us in all manner of discussions, law, politics, theology and metaphysics,—and Mr. Hampton, as you may well know, was the charm of the company.

I never knew a man who had such a keen sense of humor, and could express humor so well. He had wonderful facial expression, and I have always thought he would have made a great actor, either in comedy or tragedy, if his talents had fallen in that line.

We youngsters naturally fell into the criminal law practice, and he, being older in the profession than the others of us, was regarded as an authority and leader. The cases that are mentioned here by Mr. Moreland, especially the Small-Note case, are very fully in my mind to-day. Mr. Hampton at that time was young in the profession, but upon him fell the brunt of the preparation of that case. The older members of the Bar will recollect the case

very well. Mr. Hampton drew the indictment; and in those days that meant something it does not mean now, because there was no such thing as amendments; and I recollect he received from Mr. Stokes, who was then a great authority in the law, very high praise for the manner of drawing the indictment and preparing the case. But there were many other cases, and many other struggles in the Criminal Court before Judge McClure, and my thoughts now go back and rest on those early days more than anything that has occurred since. Suffice it for me to say now, that I have never known a lawyer whose ability I more fully respected than I did Mr. Hampton's.

He was a man who could make very careful preparation. He was not given to off-hand opinions in difficult cases. He was willing to go to work and make exhaustive preparation, and when he had done so, his opinions were generally very valuable. I have copies of some of them in my safe to-day that I consider very able, and which I have quoted before some of the Judges who are present.

But I see the Committee on Resolutions is coming in, and I have simply desired to add my tribute to the memory of our departed friend.

The Committee then returned to the meeting, and JOHNS McCLEAVE, Esq., on its behalf, presented the following Minute:

In Memoriam.

JOHN HENRY HAMPTON, son of Hon. Moses Hampton, was born at Uniontown, Fayette County, Pennsylvania, October 25th, 1828; and died at Lakewood, New Jersey, April 11th, 1891, whither he had recently gone in search of health.

His elementary education was received at the Western University, Pittsburgh, and at West Alexander Academy, then under the direction of Doctor John McCloskey. At these schools he prepared for College, and entered the Sophomore class at Wash-

ington College in 1844, graduating with highest honors in 1847.

The son of a distinguished lawyer, he chose the practice of the law for his profession, and began the study of law under the preceptorship of the Hon. James Todd, at Philadelphia, afterwards completing his preparatory reading with Hon. Edwin H. Stowe at Pittsburgh. He was admitted to the Bar of Allegheny County, December 23, 1850, at the age of twenty-two years. He began the practice of law in connection with his father, which relation was broken by the elevation of the latter to the position of President Judge of the District Court in 1853. He then formed a business partnership with Edwin H. Stowe, Esq., which continued until the year 1861, and from 1862 to 1867 he practiced in partnership with W. C. Moreland, Esq. October 9th, 1867, the firm of Hampton & Dalzell was formed, and continued generally to January 1, 1884, and as concerning railroad business, to the latter part of 1887, when Mr. Dalzell retiring, the firm of Hampton, Scott & Gordon was formed and continued until Mr. Hampton's death.

On February 13, 1868, he married Annie T. Todd, by whom he had two children; one only, a daughter, survives.

Within two years after his admission to the Bar, Mr. Hampton was retained as the Attorney for the Pennsylvania Railroad Company, assisting William A. Stokes, Esq. Upon the retirement of Mr. Stokes, in 1857, Mr. Hampton became the chief legal adviser of the Company in Western Pennsylvania, which position he retained until his death, a period of thirty-four years. The growth of the Pennsylvania Railroad system and the consolidation of its interests in Western Pennsylvania and Eastern Ohio during the last twenty-five years of Mr. Hampton's service, imposed upon him, as its legal adviser, the gravest responsibilities, and exacted the highest skill. Every responsibility was faithfully discharged, and the required skill was never wanting. The overshadowing success of the policy of the Pennsylvania Railroad Company in its legal department is largely due to the devoted labors of our departed brother.

His professional services, however, were by no means limited to the business of the corporation he so long represented; but some of his most valuable labors were rendered to, and some of his greatest achievements accomplished in, widely different branches of the law. His habit of applying himself with zeal to whatever might be in hand, and elaborate preparation, made him always easily among the first in any subject of judicial investigation.

While his legal learning was sufficient, yet his greatest excellence was as the actual trier of causes. In the trial of a case he has had few equals at the Bar, simply because he had no equals in the eliciting of facts from a witness on the stand, and the persuasive presentation of them to a jury. Those who have witnessed his cross-examinations can never forget the masterly skill with which he could make testimony for his client out of the mouth of his opponent's witness. He studied and knew human nature well, and seemed to read on sight the character of a witness, and to know upon what line he might successfully approach. He was seldom mistaken; and if mistaken, it was seldom discovered by the jury.

In his addresses to the jury, he was a consummate orator, if persuasion is the object of oratory. He read the character of a juror as he did that of a witness, and appealed to their education, experience, prejudices and humor; he looked at his case from the jury box, not from the trial table. Sarcasm and indignant invective were often his weapons; but the humorous was his more congenial vein. By homely stories, irresistibly funny, told with a masterful art, mellow witticisms, and grotesque similitudes, he often laughed his opponent out of Court. In this, he was easily first at our Bar, and could not have been excelled at any Bar.

In the early years of his practice, he took great interest in the trial of criminal causes, in which, by his skillful examination of witnesses, he was very successful. In this practice he first made his reputation; and to those early triumphs he always referred with pleasure.

Some of the most important civil causes in which he was engaged were *Lockhart & Frew vs. Lichtenthaler*, in which the doctrine of *Thorogood vs. Bryan* was first adopted into our law; *Pittsburgh vs. Penna. R. R. Co.*, where the rights of the Pennsylvania Railroad Company in public highways, and the branching powers of the company, were first established—one of the most valuable decisions to that Company ever rendered; *Moore vs. Barr* and *Rowand vs. DeCamp*, both on the law of libel; *Hays vs. Briggs*, on the right of eminent domain for individual purposes; *Clarke vs. Frew*, a contest as to the validity of a will; and the cases of *Lewis vs. Lockhart*, *Hostetter vs. Warden*, *Frew & Company, McClurkin, Trustee, vs. Byers & Company*, *Bonsall vs. Byers & Company*, *Lockhart & Frew vs. Bonsall*, known as the “Bull Ring” cases. These cases developed the most admirable exercise of his peculiar powers. In the case of *McClurkin, Trustee, vs. Lockhart & Frew*, involving more than two hundred thousand dollars, Mr. Hampton representing the defence, for the first time in our Courts tried the experiment of calling the adversary party for cross-examination; and it is literally true that by his masterly examination of the plaintiff, Mr. Hampton utterly destroyed the plaintiff’s case.

The last case Mr. Hampton argued in the Supreme Court was the Appeal of the Western Pennsylvania Railroad Company, October 25th, 1883; and his last argument was made in the Federal Circuit Court, March 20th, 1891, in the case of *Breck vs. Buffalo Run, &c. Railroad Company*. Though in feeble health for years, having long given up advocacy before the Courts, this last argument, made within three weeks of his death, exhibited the same characteristics that had so often won his triumphs; and was successful.

To Mr. Hampton we are indebted for the magnificent library now at our service, as he procured the legislation by means of which it was founded, and is now sustained, a splendid service to his profession, to the Bar, and the Courts of the County.

In social life Mr. Hampton was a kindly, genial, delightful companion; always interesting. To young lawyers who came within his acquaintance, he was always kind and ready with helpful suggestions.

Though he never held or sought public office, yet he always took a very decided interest in political opinions and events. A Whig and a Republican, his great powers of advocacy were always at the service of his party; no speaker was more heartily received upon the public platform, and during the years of the civil war, no voice was more influential in creating and sustaining the determination of the people to conquer Rebellion and preserve the Union.

In his death we mourn a leader; society has lost an ornament, and the State a pure, patriotic citizen; the history of a life is closed. Not a page of it would we have rewritten, where all record the zealous service of rare powers to the cause of Justice and Truth, and an integrity of character without shadow of stain.

MR. S. A. McCLUNG moved the adoption of the Minute as reported by the Committee, which was duly seconded.

The Chairman then stated to the meeting that remarks upon the Minute were in order.

HON. J. W. F. WHITE said:

Mr. Chairman:

As I can remain but a short time, I trust the members of the Bar will excuse me for being one of the first to speak. I can say that I heartily indorse everything contained in the Minute read from the Committee.

Mr. Hampton was a remarkable man and a brilliant lawyer. As a man, I always regarded him as one of the highest sense of honor. He was incapable of any little or mean act; all the instincts and impulses of his nature were of the better kind. Not

only a perfect gentleman in his manners, but a perfect gentleman in all his acts and intercourse with those who came in contact with him. Remarkably courteous, remarkably gentle, and I may say, remarkably tender-hearted. This was manifest in many cases, as has been referred to in the Minute, and can no doubt be recalled by many members of the Bar, and many others who met him in various circumstances in life. Full of generous impulses; full of kindest feelings. Although small in stature, a big man in everything that makes a *man*.

His social qualities were of the highest order, and I speak of them from my own personal intercourse with him; for I had the pleasure on several occasions of going from the city to spend a portion of our vacation in recreation and rest; and I never met a man more genial in his spirit, more entertaining in his conversation; humorous, witty, abounding in anecdotes, illustrative and amusing, that always made his conversation and his social intercourse exceedingly attractive. I remember many occasions in these trips that I shall never forget. I shall never forget the gentleness of his nature. I shall never forget the kindness he showed me, amounting almost to affection, and exciting in me a warm affection for him.

As a lawyer, I regarded Mr. Hampton as one of the most brilliant members of our profession, and I think in three particulars at least, I never knew one that excelled him.

One of these particulars was, that he never went into the trial of a case without being thoroughly prepared, not only as to the law of the case, but as to the facts also. He did not rely upon the dry law of the case, but wanted the facts also to be on his side. Having thus thoroughly prepared his case, he was never surprised at any move of his adversary, but was always ready for it, and ready to meet it.

Another peculiarity of Mr. Hampton was, that when he had a case in which he had entire confidence, a strong case, he did not fritter away his energy, or waste time, on immaterial matters; he concentrated all his forces upon the strength of his case. If he

had a weak case, no man could more artfully conceal that weakness, and then with all his powers make a furious attack upon the other side, and in that way call off attention from the weakness of his case, and put the other side on the defensive.

A third peculiarity, and that is referred to in the Minute just read, was his remarkable skill in the examination of witnesses. In examining his own witness he would bring out the material facts of his case and stop. He never clouded his case by bringing in immaterial matters; and he never committed the folly of emphasizing any fact or piece of testimony in his favor, and in that way call the attention of the other side to it. He would never, when the witness gave testimony very important on his side, repeat it and emphasize it, for the purpose, as some think, of calling the attention of the jury to it. He did not want his adversaries' attention called to it; but when he came to the jury, he used that testimony with wonderful power. So in the cross-examination. If the testimony of the witness on the other side was not very important, he did not waste much time with him; he commenced in that mild, cool, gentle way, that was characteristic of the man, because he never got excited, was always self-possessed; he would commence with the witness with a few unimportant questions, and thus lead him on gently to the point aimed at, and in an innocent manner, often get him fearfully entangled, or get some expression, or some testimony exceedingly important on his side of the case. But he made no fuss about it. He did not repeat it and emphasize it, so that the witness or counsel would have their attention called to it, and the witness explain or modify it, or the counsel, being warned of it, try to hedge against it. Mr. Hampton dropped it when he got out what he wanted. But then when he came to the jury, he used that testimony with most tremendous power.

I regard the loss of Mr. Hampton as a loss to the profession, and I may say that I feel it is a personal loss to me. He was an ornament to the profession of the law; he was an honor to the Bar

of Allegheny County. I may be pardoned for giving utterance to the feelings of my heart to-day. Farewell, dear friend, until we meet again, as I trust we shall, where the frailties and misfortunes of humanity are blotted out and forgotten forever.

MR. D. T. WATSON said :

Mr. Chairman :

In words of soberness and truth, and not in those of exaggerated eulogy, I can and do say that in the death of John H. Hampton our profession has lost a master and our Bar has lost a leader. I do not say that he excelled in all branches of the law, for who could hope to cover so wide a field ; but I do say, that he did excel, and peculiarly excel, as a skillful and successful lawyer and advocate in the trial of a cause. He possessed in an eminent degree characteristics which fitted him for this portion of the work ; and these he developed and trained until it is the simple truth to say, that in his day and in his specialty he was the peer of any man at our Bar, and so far as I know at any other Bar of our State or of the nation.

Some of these characteristics are well known. He was always cool ; naturally of a mild temperament, his experience had taught him that to a lawyer engaged in the trial of a cause coolness was as indispensable as to the commanding general in charge of a battle. It often and often, as I know, rendered him good service, discomfited his adversary, and advanced his own chances of success.

And then he had an abiding and unyielding confidence in the justice and ultimate success of his own cause. No matter how close the struggle, or how doubtful to others seemed his success, to him it was always sure. Nothing but a final judgment against him would persuade him to the contrary.

He was fertile in expedients, both in attack and defence. Truly it can be said of him, that during the trial "dangers did but dare him." Let one line of attack or defence fail, he was ever

ready with a new line of battle or new embankments for defence. A marked instance of this in my own knowledge (if you will permit me to speak of a case in which I was concerned), was during the trial of one of the cases growing out of the oil complications of 1869. Mr. Hampton had brought an action for the breach of a contract for the delivery of refined oil, and I was associated with him as junior counsel. In the preparation of the case we relied upon a custom of the city of Pittsburgh to make good a delivery which we feared did not come up to the common law rule. On the trial he introduced the contract, proved the kind of delivery made, and then offered proof of the custom. A distinguished judge, who sits before me now, after an argument lasting the entire day, and just before the adjournment of Court, finally ruled out all evidence of our custom, and so far as I could see, defeat seemed inevitable. I followed Mr. Hampton to his office; and great was my astonishment, when I found him perfectly cool. He merely said he would think it over that evening, and knew that in some way he could win the case. I speak literally the truth when I say (and the distinguished Judge who presided on the trial of the cause will confirm me in this), that the next morning when we recommenced the trial he entirely abandoned the custom, entirely changed his line of battle, opened up an entire new line of attack, and after a trial lasting for a week he secured a verdict, and finally a judgment for every cent that he claimed. This is a fair instance of his fertility in changing front in the face of the enemy. It was impossible, by the dangers and partial defeats during a trial, to dismay him so as to prevent his ultimate success, if he had a strong case.

And then no one understood better the examination and cross-examination of a witness. This was his special delight, and in this he displayed unusual skill. It is literally true (for here again I speak of my own knowledge), that the case referred to in the Minute presented by the Committee, was won for the defendant by the cross-examination of the plaintiff.

Whatever advantages he gained during the introduction of the evidence, he followed up by a peculiarly happy presentation of his case to the jury. Gifted as he was with unusual and extraordinary capacity for ridiculing an opponent's case, he sometimes led the jury by this power as much as by the strength of his own case.

Take him all in all, in the trial of a cause, from the moment the jury was sworn until it filed out of the jury box charged with the case, he had no superior at our Bar, and I believe he had no superior at any other Bar.

I leave, Mr. Chairman, to others more closely associated with him than myself to speak of the social side of his life, and to tell and lovingly dwell on his affectionate disposition and his charming manners in social intercourse. But while we are assembled here and do recall his merits, and render willing homage to his skill, I am oppressed with the idea that it is all a retrospect. It all was; he was. None of it, not one particle of it, shall ever be again. Do we realize this? Do we really and truly comprehend what it means, to say that death, ever present but never expected, unfathomed and unfathomable, has sealed up, for all the ages that are to come, the scroll of his life? We know that he has experienced the two profound mysteries of man, his birth and his death; but the reason of either is as unknown and apparently unknowable to-day as it was thousands of years ago, when Job asked, "If a man die, shall he live again?" Whence came we, and whither do we go? are questions that countless millions for countless ages have asked, but the dread Sphinx which guards the sacred secrets gives no answer. Enveloped as we are in this great mystery, bowing as I do with deep humility alongside of his coffin, I join with you in the belief that there is a resurrection and a continuous life; but where, and how, and under what conditions, neither priest, nor prophet, nor scriptures sacred, nor history profane, has ever told. We do certainly know, that one short week ago he was with us and one of us, and we also know that he never shall be so again.

We would do much for him, but all we can do in this early spring time, in these happy Easter days, when nature promises so speedily the leaf and the blossom and the flower, is to lay him alongside of those that were his kith and kin, and whom in life he loved so well, and leave him there with them and with his God. But while we do this, we will tell our heartfelt regrets and our tender recollections of him, and these shall perfume the air as the roses of June which in a few short weeks will blossom and bloom over his grave.

MR. WILLIS F. MCCOOK said :

Mr. Chairman :

I have never attempted to speak on an occasion like this before, and I do so now because the accident of my life threw me into considerable contact with Mr. Hampton. I knew him when I was a boy, and returning from college became a student in his office. This was before the time of the general use of the type-writer and the stenographer, a time when I believe the student was brought into more intimate contact and relationship with his preceptor than at the present time. In this way I came to know the man very well. I had opportunities of observing his methods of preparation and trial ; I was fortunate enough to imbibe from him many of his ideas, which were founded on great knowledge of human nature and a very great deal of philosophy and thought.

The one great peculiarity of Mr. Hampton that I noticed was his careful and minute preparation of his cases ; and in this preparation as between the law and the facts he gave his great attention to the facts. He made this remark to me one day, that when I got to practicing, and wanted to prepare my case well, "prepare the other side."

Speaking of his skill as a cross-examiner, so far as I was associated with him in the trial of cases, and some of them were very important, he never, as he said himself one day, went on a fishing

excursion on cross-examination. He knew or had the best reason to know what he was going to get out of his witness before he ventured on his cross-examination. He never relied upon that consummate skill that we all know, and in which I think he excelled anybody I ever knew. He never ventured on such a risk.

In speaking of the preparation of a case, he made this remark: "Get your facts; the law is nothing but the necessary result from them; if you have not the facts, you can't twist logic to suit your purpose."

I never knew him to enter into the trial of a cause without being prepared; and I never knew a man more adroit and cunning in avoiding the trial of a case until he was prepared.

Of his ability as a lawyer I will not presume to speak in the presence of so many who have felt the quality of his mettle on the other side of the counsel table; but I am reminded of him and his action in many important cases. I recall the Post-Barr-Moore libel case, which he fought several times through our courts, and successfully. I recall a remark in that contest which Marshall Swartzwelder made, when he seemed to baffle Swartzwelder with his sledge hammer blows every time he tried them. In his address to the jury, Mr. Swartzwelder was trying to warn them against Mr. Hampton, and he likened him to "a will-o'-the-wisp, scintillating, attractive, fugitive, but always misleading;" and it was literally true. Through those trials he was sparkling, bright and evasive, because those were the qualities necessary to victory in that case.

He was not a man that you might call a case trier; that is, a man who went so much upon a decision in a particular case. He seemed to be well grounded in the broad principles of the law. He had a very logical mind, and he felt through his whole nature what the conclusion of law ought to be; and in giving his opinions or forming his judgment, he acted upon that principle. He said to me once, in coming to a conclusion, or giving advice, never advise upon a statute without the statute before you; but when

advising upon the decisions, trust to your recollection for their general conclusions, without looking to the particular language. That was the man ; he had his general logical impressions. I have heard him say when it was stated to him that the Supreme Court had decided otherwise, "That *ought* to be the law." He had that strong legal educated sense that led him to that conclusion.

Of his social life, others here knew him very well. He was a man that always in social life seemed to be comfortable ; he always seemed to fit the place he was in. He reminded me of the remark that Warner makes of a similar character, that "when he came into the room he seemed to bring a genial warm atmosphere with him, which soon set the others aglow." He was kindly to every person in his professional and in his social life.

There is one part of his nature I had never suspected until I encountered it, and which I have not heard referred to to-day. He invited me to go fishing with him once, and I went with great pleasure. On getting into the woods, away from civilization, almost into the wilderness, the man seemed to be entirely rapt in the beauties of nature. I never knew a man who got such zest of enjoyment out of nature as he did. The tints of the foliage, the running of the water, the fresh breath of the new-born day, the changing sunset hues, everything was pleasant and sweet. He was a real child of nature, and nobody I ever knew loved her more ; and when we have laid his body into the lap of Nature, let us trust she will point out to him a sweeter and better and happier life than she ever showed before.

The motion for the adoption of the Minute as reported by the Committee was then put by the Chair, and unanimously adopted.

HON. JACOB F. SLAGLE moved that the Minute be entered upon the records of the different Courts of this County, and a copy sent to the family of the deceased.

This motion was seconded by **MR. J. W. KIRKER**, and being put by the Chair was carried **unanimously**.

MR. D. D. BRUCE then moved that the meeting adjourn, which was carried.

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